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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

GLAYDS PLEASANT

VERSUS : CIVIL ACTION NO.: 6:09-CV-1244

VILLE PLATTE CHIEF,
NEAL LARTIGUE, ET AL : JUDGE HAIK, MAG. JUDGE HILL

CONSENT JUDGMENT

By agreement of counsel and considering the **Motion to Strike Penalty, Treble, Punitive or Exemplary Damages** previously filed on behalf of CHIEF NEAL LARTIGUE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, and the CITY OF VILLE PLATTE, [Court Doc. #42];

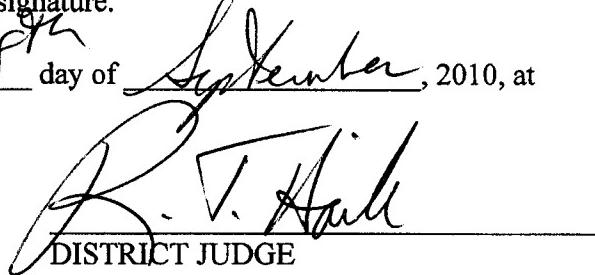
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the **Motion to Strike Penalty, Treble, Punitive or Exemplary Damages [Court Doc. #42]** filed on behalf of CHIEF NEAL LARTIGUE, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, and the CITY OF VILLE PLATTE, be and it is hereby **GRANTED**, as there is no Louisiana state statute that allows for the recovery of punitive or exemplary damages in this matter, and that pursuant to *City of Newport v. Fact Concerts, Inc.*, 101 S.Ct. 2748 (1981), punitive damages cannot be recovered from the CITY OF RAYNE and CHIEF NEAL LARTIGUE, IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE

PLATTE, and that Plaintiff's claims against them for punitive damages be stricken from the record of these proceedings.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that defendants' Motion is **DENIED**, as to plaintiff's federal claims against CHIEF NEAL LARTIGUE, INDIVIDUALLY, as Plaintiff is allowed to proceed, as prayed for in her Second Amending Petition, against CHIEF NEAL LARTIGUE, INDIVIDUALLY, as plaintiff may be able to recover penalty, punitive or exemplary damages, should plaintiff ultimately prevail on her federal law claims under 42 U.S.C.A. §1983, or other federal law claims allowing such damages.

Mr. Donald R. Dobbins has given John F. Wilkes, III the authority to submit this proposed Consent Judgment with his electronic signature.

THUS DONE AND SIGNED this 8th day of September, 2010, at Lafayette, Louisiana.



R. V. Hall
DISTRICT JUDGE

SUBMITTED BY:
BORNE & WILKES, L.L.P.

BY: s/John F. Wilkes, III
JOHN F. WILKES, III (Bar Roll #1644), T.A.
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ATTORNEYS FOR CHIEF NEAL LARTIGUE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF VILLE PLATTE, and the CITY OF VILLE PLATTE

APPROVED:

Donald R. Dobbins & Associates, LLC
327 North Boulevard, Suite 103
Baton Rouge, LA 70801

BY: s/Donald R. Dobbins
Donald R. Dobbins
Counsel for Glayds Pleasant

CERTIFICATE

I HEREBY CERTIFY that on the 26th day of August, 2010, a copy of the foregoing Consent Judgment was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Mr. Donald R. Dobbins by operation of the court's electronic filing system.

s/John F. Wilkes, III
JOHN F. WILKES, III (Bar Roll #1644)
BORNE & WILKES, L.L.P.
Attorney for Defendants